

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 2652.

(Given pursuant to section 4 of the Food and Drugs Act.)

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**U. S. v. 10 Barrels Malaga Type Wine. Decree of condemnation. Product released on bond.**

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### ADULTERATION AND MISBRANDING OF MALAGA TYPE WINE.

On April 15, 1913, the United States Attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 barrels of a product purporting to be a Malaga type wine, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the product had been shipped by the Brownsville Fruit Distilling Co., Brooklyn, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On principal head of barrels) "Brownsville Fruit Distilling Company, New York". (On other head) "Malaga Type Wine". It was also labeled in Hebraic, which, translated into English, reads as follows: "Malaga Wine for Passover, Inspected by three Rabbis."

Adulteration of the product was alleged in the information for the reason that a substance, to wit, an imitation of wine, glucose, sugar, and water, had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength, and further in that a substance, to wit, said imitation wine, glucose, sugar, and water, had been substituted wholly or in part for said food. Misbranding was alleged for the reason that the label bore a certain statement, design, and device, regarding the product and the ingredients and substances contained therein, which was false and misleading; that is to say, the words "Malaga Type Wine" and "Malaga Wine" which appeared thereon thereby would lead a purchaser to believe that the product was Malaga type wine, whereas, in truth and in fact, it was not so.

On May 3, 1913, the said Brownsville Fruit Distilling Co., claimant, having admitted the allegations in the libel, judgment of con-

demnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$100, in conformity with section 10 of the Act.

B. T. GALLOWAY,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *September 29, 1913.*

2652

